

Complaint was January 7, 2025.

3. On January 7, 2025, Byrd's counsel filed a Motion to Dismiss for Forum Non Conveniens in lieu of an answer or other 12(b) response. [Dkt. 23].

4. On January 28, 2025, Plaintiff timely filed his Response to Defendant Byrd' Motion to Dismiss. [Dkt. 37].

5. On February 10, 2025, this Court granted Byrd's Unopposed Motion for Extension of Time to file its Reply in Support of its Motion to Dismiss. [Dkt. 40]. Thus, the Byrd's Motion to Dismiss is not yet fully briefed at the time of this Motion.

6. On February 10, 2025, Defendant Byrd's counsel filed a Suggestion of Death, stating that Defendant James William Byrd died on or about November 25, 2024. [Dkt. 38]. Notably, Defendant Byrd died before Byrd's counsel filed the Motion to Dismiss. [Dkt. 23].

7. On December 19, 2024, Linda K. Byrd, Byrd's mother, filed an Application for Temporary Administration, an Application for Independent Administration and Letters of Administration and an Application to Determine Heirship in the Probate Court No. 1 of Collin County, Texas, Cause No. PB1-1942-2024.

8. On December 23, 2024, Linda K. Byrd was appointed Temporary Administrator of the Estate of James William Byrd.

9. Plaintiff's lawsuit against Byrd was timely filed, survives his death, and may be continued against his estate. *See Janvey v. Adams & Reese, LLP*, No. 3:12-CV-0495-N, 2014 WL 12834493, at *2 (N.D. Tex. Oct. 3, 2014) (holding that legal representatives are proper parties for substitution); *Sinito v. United States Dep't of Justice*, 176 F.3d 512, 516 (D.C. Cir. 1999); *Dukes v. Strand*, No. 3:15-CV-3600-BT, 2019 WL 2567687, at *2 (N.D. Tex. June 21, 2019).

CONCLUSION AND PRAYER

Plaintiff Basil M. Hantash hereby respectfully requests this Court grant this Motion and enter an Order:

- (i) substituting Linda Byrd, as Administrator of the Estate of James William Byrd, in the place of the now-deceased Defendant James William Byrd;
- (ii) authorizing the court clerk to issue a citation of the Complaint in this cause [Dkt. 1] to be duly served on Linda Byrd at 8600 FM 2609 Nacogdoches, Texas 75965¹;
- (iii) for such other and further relief at law or in equity to which Plaintiff may show itself to be justly entitled.

¹ This address is Linda Byrd's place of residence as denoted in her Application for Temporary Administration; Application for Independent Administration and Letters of Administration Pursuant to Section 401.003 of the Texas Estates Code and Application to Determine Heirship, as filed in Cause No. PB1-1942-2024.

Dated: March 14, 2025

Respectfully submitted,

CHAMPION LLP

/s/ Austin Champion

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COUNSEL FOR PLAINTIFF

BASIL M. HANTASH

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for movant and counsel for Defendant Byrd, William Richmond, have discussed the contents of this Motion on March 10, 2025, via electronic mail. Defendant's counsel responded on March 12, 2025 and indicated he is not opposed to the relief sought in this Motion.

/s/ Austin Champion

Austin Champion

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of this document was served upon all counsel via the Court's CM/ECF Court Filing System pursuant to the Federal Rules of Civil Procedure on March 14, 2025.

/s/ Austin Champion

Austin Champion